

HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR
HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR HOUSE BILL 506

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
INCREASING STAFFING LEVELS; UPGRADING THE INMATE
CLASSIFICATION SYSTEM, THE CRIMINAL MANAGEMENT INFORMATION
SYSTEM AND AUDITING OF CONTRACTS FOR CORRECTIONAL SERVICES;
INCREASING SALARIES FOR CORRECTIONAL OFFICERS; CREATING A
JOINT INTERIM LEGISLATIVE CORRECTIONS OVERSIGHT COMMITTEE;
MAKING APPROPRIATIONS; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. FINDINGS--APPROPRIATIONS TO THE CORRECTIONS
DEPARTMENT.--

A. The legislature finds that "The Consultants'
Report on Prison Operations in New Mexico Correctional
Institutions", dated January 14, 2000, is a comprehensive
work that sets forth viable solutions to problems that have
plagued the correctional system for years. The report

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1 includes recommendations offered by the consultants as a
2 guide to improving corrections operations in New Mexico. The
3 legislature also finds that those recommendations include
4 suggestions that should be implemented immediately, matters
5 that should be studied carefully in preparation for
6 implementation during the 2001 legislative session and,
7 finally, systemic recommendations that will evolve over the
8 course of several years. Therefore, the legislature finds it
9 is necessary to appropriate money for the consultants'
10 recommendations that must be implemented immediately,
11 including funding for an improved inmate classification
12 system, funding for increased efforts to reduce gang
13 influence in correctional facilities, funding for improved
14 auditing of private vendors who provide correctional services
15 to the state and funding to provide salary increases for
16 correctional officers.

17 B. The legislature further finds that the
18 consultants' report advises the state to immediately address
19 the possibility of renegotiating the contracts for the Lea
20 county and Guadalupe county facilities. The parties to the
21 contracts are strongly urged to heed that specific
22 recommendation.

23 C. The following amounts are appropriated from the
24 general fund to the corrections department for expenditure in
25 fiscal years 2000 and 2001 for the following purposes:

(1) fifty thousand dollars (\$50,000) to
perform an inmate classification study and to implement

1 changes to the inmate classification system;

2 (2) sixty-six thousand six hundred dollars
 3 (\$66,600) to pay salaries and benefits for two additional
 4 full-time employees for the bureau of classification at the
 5 central New Mexico correctional facility;

6 (3) four hundred eighty-six thousand two
 7 hundred dollars (\$486,200) to pay salaries and benefits for
 8 fourteen additional full-time employees to serve as security
 9 threat group officers;

10 (4) ninety thousand seven hundred dollars
 11 (\$90,700) to provide salaries and benefits for two additional
 12 full-time employees to serve as compliance auditors who audit
 13 private contracts entered into by the state for correctional
 14 services;

15 (5) one hundred seventy thousand three
 16 hundred dollars (\$170,300) to provide salaries and benefits
 17 for three additional full-time employees to support the
 18 criminal management information system; and

19 (6) six hundred fifty-four thousand seven
 20 hundred dollars (\$654,700) to provide a salary upgrade for
 21 correctional officers.

22 D. Any unexpended or unencumbered balance
 23 remaining at the end of fiscal year 2001 shall revert to the
 24 general fund.

25 Section 2. CORRECTIONS OVERSIGHT COMMITTEE CREATED--
 TERMINATION.--There is created a joint interim legislative
 committee that shall be known as the "corrections oversight

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1 committee". The committee shall function from the date of
2 its appointment until the first day of December prior to the
3 first session of the forty-seventh legislature.

4 Section 3. MEMBERSHIP--APPOINTMENT--VACANCIES.--

5 A. The corrections oversight committee shall be
6 composed of eight members. Four members of the house of
7 representatives shall be appointed by the speaker of the
8 house of representatives. Four members of the senate shall
9 be appointed by the senate committees' committee or, if the
10 senate appointments are made in the interim, by the president
11 pro tempore of the senate after consultation with and
12 agreement of a majority of the members of the senate
13 committees' committee.

14 B. Members shall be appointed from each house so
15 as to give the two major political parties in each house
16 equal representation on the corrections oversight committee.
17 The speaker of the house of representatives and the president
18 pro tempore of the senate shall each appoint a co-chairman of
19 the committee.

20 C. A vacancy on the corrections oversight
21 committee shall be filled by appointment in the same manner
22 as the original appointment.

23 D. No action shall be taken by the corrections
24 oversight committee if a majority of the total membership
25 from either house on the committee rejects the action.

Section 4. DUTIES--SUBPOENA POWER--COOPERATION.--

A. After its appointment, the corrections

1 oversight committee shall hold one organizational meeting to
2 develop a work plan and budget for the ensuing interim. The
3 work plan and budget shall be submitted to the New Mexico
4 legislative council for approval.

5 B. Upon approval of the work plan and budget by
6 the New Mexico legislative council, the corrections oversight
7 committee shall:

8 (1) oversee implementation of the
9 recommendations set forth in the January 14, 2000 document
10 entitled "The Consultants' Report on Prison Operations in New
11 Mexico Correctional Institutions";

12 (2) assess the feasibility of expanding
13 community corrections programming as a means to reduce the
14 inmate population;

15 (3) monitor other issues related to the
16 operation of public and private correctional facilities; and
17

18 (4) recommend legislation or changes, if
19 they are found to be necessary, to the legislature.

20 C. The corrections oversight committee shall have
21 the power to conduct hearings and to administer oaths. The
22 committee shall have the power to subpoena, which may be
23 enforced through any district court of the state. The
24 subpoena power shall be used only upon approval by a majority
25 of committee members, shall be related to the committee's
powers and duties specified in this section and shall be
within the scope of the January 14, 2000 document entitled

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1 "The Consultants' Report on Prison Operations in New Mexico
2 Correctional Institutions". Service of committee process
3 shall be made by any sheriff or any member of the New Mexico
4 state police and shall be served without cost to the
5 committee.

6 D. The corrections department and every other
7 state agency and political subdivision of the state shall,
8 upon request, furnish and make available to the corrections
9 oversight committee documents, material or information
10 requested by the members of the committee or its staff.

11 Section 5. SUBCOMMITTEES.--

12 A. Subcommittees shall be created only by majority
13 vote of all members appointed to the corrections oversight
14 committee and with the prior approval of the New Mexico
15 legislative council. A subcommittee shall be composed of at
16 least one member from the senate and one member from the
17 house of representatives, and at least one member of the
18 minority party shall be a member of the subcommittee.

19 B. All meetings and expenditures of a subcommittee
20 shall be approved by the full corrections oversight committee
21 in advance of subcommittee meetings or expenditures, and the
22 approval shall be shown in the minutes of the committee.

23 Section 6. REPORT.--The corrections oversight committee
24 shall make a report of its findings and recommendations for
25 the consideration of the first session of the forty-fifth
legislature; the second session of the forty-fifth
legislature; the first session of the forty-sixth

1 legislature; the second session of the forty-sixth
2 legislature; and the first session of the forty-seventh
3 legislature. The reports and suggested legislation shall be
4 made available to the New Mexico legislative council on or
5 before December 15 preceding each session.

6 Section 7. STAFF.--The staff for the corrections
7 oversight committee shall be provided by the legislative
8 council service. The legislative council service may also
9 contract for staff services for the corrections oversight
10 committee.

11 Section 8. APPROPRIATION.--One hundred thousand dollars
12 (\$100,000) is appropriated from cash balances of the
13 legislative council service to the legislative council
14 service for expenditure in fiscal years 2000 and 2001 for the
15 operation of and staffing of the corrections oversight
16 committee. Any unexpended or unencumbered balance remaining
17 at the end of fiscal year 2001 shall revert to cash balances
18 of the legislative council service.

19 Section 9. EMERGENCY.--It is necessary for the public
20 peace, health and safety that this act take effect
21 immediately.

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